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2 District of Nevada
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6 *Representing the United States of America*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 CHARLES PARKIN,

Defendants.

CASE NO: 2:15-cr-00212-JCM-NJK

STIPULATION TO CONTINUE
COMPETENCY HEARING
(First Request)

13 It is hereby stipulated and agreed, by and between NICHOLAS A. TRUTANICH,
14 United States Attorney, and Alexandra Michael, Assistant United States Attorney,
15 counsel for the United States of America, and Russ Marsh, Esq., counsel for defendant,
16 that the competency hearing currently scheduled for January 28, 2019 at 1:00 p.m., be
17 vacated and continued until a time convenient to the Court but no sooner than sixty (60)
18 days.

19 This Stipulation is entered into for the following reasons:

20 1. The defendant filed a motion for a competency hearing on January 17,
21 2019, ECF No. 60, and the court set a hearing date for January 28, 2019, ECF No. 62.
22 The report in support of defendant's motion was provided to counsel for the government
23 on November 6, 2018. The government needs additional time to have the defendant
24 evaluated by a government selected or court-appointed expert prior to the competency

1 hearing.

2 2. The defendant does not oppose this request.

3 3. Subsequent to this stipulation, the parties plan to file a stipulation to
4 continue calendar and trial which are currently set for February 6, 2019 and February 11,
5 2019.

6 4. The additional time requested herein is not sought for purposes of delay, but
7 to allow counsels sufficient time to prepare for the competency hearing.

8 5. Denial of this request for continuance could result in a miscarriage of
9 justice.

10 6. The additional time requested by this stipulation is excludable in computing
11 the time within which the trial must start under the Speedy Trial Act, Title 18, United
12 States Code, Section 3161 et. seq., considering the factors under Title 18, United States
13 Code, Sections 3161(h)(1)(A), 3161(h)(1)(D), 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

14 7. This is the first request for a continuance.

15
16 DATED this 24th day of January, 2019.

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18 s// Alexandra Michael
ALEXANDRA MICHAEL
19 Assistant United States Attorney

s// Russ Marsh
RUSS MARSH, Esq
Counsel for Charles Parkin

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,

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8 Defendant.

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ORDER

9 The ends of justice served by granting said continuance outweigh the best
10 interest of the public and the defendant, since the failure to grant said continuance would be
11 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and
12 the opportunity within which to be able to effectively and thoroughly prepare for the
competency hearing, taking into account the exercise of due diligence.

13 IT IS THEREFORE ORDERED that the competency hearing in the above-captioned
14 matter currently scheduled for January 28, 2019 at 1:00 p.m., be vacated and continued to
15 April 2, 2019, at 10:00 a.m., in courtroom 3B.

16 DATED: January 24, 2019.

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20 HONORABLE NANCY KOPPE
UNITED STATES MAGISTRATE JUDGE
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